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8
9 **UNITED STATES DISTRICT COURT**

10 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

11
12 IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

13 MDL NO. 1917

14 This Document Relates to:
15 ALL DIRECT PURCHASER ACTIONS

**MEIJER, INC.'S AND MEIJER
DISTRIBUTION, INC.'S RESPONSES TO
DEFENDANT HITACHI AMERICA,
LTD.'S FIRST SET OF
INTERROGATORIES**

16
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18 PROPOUNDING PARTY: HITACHI AMERICA, LTD.

19 RESPONDING PARTY: MEIJER, INC. AND MEIJER DISTRIBUTION, INC.

20 SET NO.: ONE

21 Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Direct Purchaser
22 Plaintiffs Meijer, Inc. and Meijer Distribution, Inc. ("Plaintiffs" or "Meijer"), by their attorneys,
23 object and respond to Defendant Hitachi America, Ltd.'s First Set of Interrogatories to the Direct
24 Purchaser Plaintiffs (the "Interrogatories") as follows:

25 **GENERAL OBJECTIONS**

26 Each of the following objections is incorporated by reference into each of the responses
27 herein:

28 1. Plaintiffs and their counsel have not completed their (1) investigation of the facts

1 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
2 responses are therefore based upon information known at this time and are provided without
3 prejudice to Plaintiffs' right to supplement these responses prior to trial or to produce evidence
4 based on subsequently discovered information. Likewise, Plaintiffs' responses are based upon,
5 and therefore limited by, Plaintiffs' present knowledge and recollection, and consequently,
6 Plaintiffs reserve the right to make any changes in these responses if it appears at any time that
7 inadvertent errors or omissions have been made.

8 2. Plaintiffs generally object to the Interrogatories, including the instructions and
9 definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
10 scope of any interrogatory or to impose any obligations on Plaintiffs' responses in excess of those
11 required by the Federal Rules of Civil Procedure. Plaintiffs will respond to these Interrogatories
12 in accordance with their understanding of the obligations imposed by the Federal Rules of Civil
13 Procedure.

14 3. Plaintiffs object to the Interrogatories, including the instructions and definitions, to
15 the extent the information sought is protected by the attorney-client privilege, the attorney work
16 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
17 these Interrogatories, Plaintiffs do not waive, intentionally or otherwise, any attorney-client
18 privilege, attorney work-product or any other privilege, immunity or other protection that may be
19 asserted to protect any information from disclosure. Accordingly, any response or production of
20 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
21 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

22 4. Plaintiffs object to the Interrogatories to the extent they fail to state with sufficient
23 particularity the information and categories of information to be provided.

24 5. Plaintiffs object to the Interrogatories to the extent they request Plaintiffs to
25 produce documents outside their possession, custody, or control.

26 6. Plaintiffs object to the Interrogatories to the extent they are overly broad and
27 unduly burdensome.

28 7. Plaintiffs object to the Interrogatories to the extent they are vague, ambiguous,

1 redundant, harassing or oppressive.

2 8. Plaintiffs object to the Interrogatories to the extent they require Plaintiffs to draw
3 legal conclusions.

4 9. Plaintiffs object to the Interrogatories to the extent the information requested is
5 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6 10. Plaintiffs object to the Interrogatories to the extent that they, or any portion of
7 them, seek production of any information within the possession, custody, or control of any
8 Defendant, or of publicly available information such that the information is obtainable from some
9 other source that is more convenient, less burdensome or less expensive, or the production of the
10 information will impose undue burden, inconvenience, or expense upon Plaintiffs.

11 11. Plaintiffs object to each and every interrogatory and also to the instructions
12 accompanying them, to the extent they seek to require Plaintiffs to produce all information that
13 supports or otherwise relates to specific contentions in this litigation, on the ground that such
14 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

15 12. Plaintiffs object to the Interrogatories to the extent that they seek information
16 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiffs, or other
17 such downstream data, because such information is not relevant to the claim or defense of any
18 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
19 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
20 information other than that related to direct purchases of CRTs and/or CRT Products from the
21 named Defendants in this action has been barred by the United States Supreme Court. *See Illinois*
22 *Brick Co. v. Illinois*, 431 U.S. 720 (1977).

23 13. Plaintiffs object to the Interrogatories to the extent that they seek information that
24 requires expert opinion. Plaintiffs are entitled to provide additional evidence that is responsive to
25 one or more of the Interrogatories in the form of expert reports at the appropriate time, and no
26 response should be construed to foreclose any such disclosure.

27 14. Plaintiffs reserve the right to modify their responses based on additional discovery,
28 additional analysis of existing discovery, discovery not yet completed and/or expert discovery, and

1 Plaintiffs reserve the right to supplement and/or delete the responses given in light of further
2 evidence and further analysis of present and subsequently acquired evidence.

3 15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiffs
4 reserve the right to introduce evidence not yet identified herein supporting Plaintiffs' allegations,
5 including evidence that Plaintiffs expect to further develop through the course of discovery and
6 expert analysis.

7 16. In providing responses to the Interrogatories, Plaintiffs reserve all objections as to
8 competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent
9 proceeding in, or trial of, this or any other action for any purpose whatsoever.

10 17. No incidental or implied admissions are intended in these responses. Plaintiffs'
11 response to all or any part of any interrogatory should not be taken as an admission that: (a)
12 Plaintiffs accept or admit the existence of any fact(s) set forth or assumed by the interrogatory; or
13 (b) Plaintiffs have in their possession, custody or control documents or information responsive to
14 that interrogatory; or (c) documents or information responsive to that interrogatory exist.
15 Plaintiffs' response to all or any part of an interrogatory also is not intended to be, and shall not
16 be, a waiver by Plaintiffs of all or any part of their objection(s) to that interrogatory.

17 18. Plaintiffs object to the Interrogatories to the extent they are duplicative of
18 interrogatories served by other Defendants in this litigation. To the extent these Interrogatories
19 seek answers that are duplicative to those requested by other interrogatories that have already been
20 propounded on the direct purchaser class, or served at the same time as these Interrogatories, the
21 direct purchaser Plaintiffs will only answer them once.

22 19. Plaintiffs object to these Interrogatories to the extent that the cumulative requests
23 by all Defendants in this litigation exceed the permissible number set forth in the Federal Rules.

24 20. Plaintiffs object to these Interrogatories, instructions and definitions to the extent
25 they call for documents or information relating to a time period other than the relevant Class
26 Period as defined in the Direct Purchaser Plaintiffs' Consolidated Amended Complaint. Plaintiffs
27 will provide information only as to the relevant Class Period.

28

RESPONSES

INTERROGATORY NO. 1:

IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR responses to these Interrogatories.

RESPONSE TO INTERROGATORY NO. 1:

Plaintiffs incorporate the General Objections as though fully set forth herein. Subject to, and without waiving, the foregoing objections, Meijer responds as follows: Tim Kause, Buyer/Merchandiser, and counsel for Meijer participated in the preparation of Meijer's responses to these Interrogatories.

INTERROGATORY NO. 2:

Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the IDENTITY of each PERSON involved in the sale and the time period and nature of each PERSON's involvement.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 2:

Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs object to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiffs further object to this interrogatory on the ground that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiffs further object and will not respond to this interrogatory because it impermissibly calls for downstream information concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005).

INTERROGATORY NO. 3:

Separately identify each CRT PRODUCT that YOU sold during the RELEVANT PERIOD, including without limitation the date and place of sale, the type and manufacturer of each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the time period and nature of each PERSON's involvement.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 3:

Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs object to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiffs further object to this interrogatory on the ground that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiffs further object and will not respond to this interrogatory because it impermissibly calls for downstream information concerning sales of CRT Products by Plaintiffs and such information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005).

INTERROGATORY NO. 4:

For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that were a part of the sale, including without limitation all terms and conditions RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection with the sale.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 4:

Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs object to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad

1 and unduly burdensome. Plaintiffs further object to this interrogatory on the ground that it seeks
 2 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 3 likely to lead to the discovery of admissible evidence. Plaintiffs further object and will not
 4 respond to this interrogatory because it impermissibly calls for downstream information
 5 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 6 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 7 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 8 2005).

9 **INTERROGATORY NO. 5:**

10 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
 11 conditions that were a part of the sale, including without limitation all terms and conditions
 12 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
 13 PERSON in connection with the sale.

14 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 15 YOUR response.

16 **RESPONSE TO INTERROGATORY NO. 5:**

17 Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs
 18 object to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad
 19 and unduly burdensome. Plaintiffs further object to this interrogatory on the ground that it seeks
 20 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 21 likely to lead to the discovery of admissible evidence. Plaintiffs further object and will not
 22 respond to this interrogatory because it impermissibly calls for downstream information
 23 concerning sales of CRT Products by Plaintiffs and such information is not relevant to the claims
 24 or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 25 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 26 2005).

27 **INTERROGATORY NO. 6:**

28 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,

1 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 2 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
 3 or sold.

4 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 5 YOUR response.

6 **RESPONSE TO INTERROGATORY NO. 6:**

7 Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs
 8 object to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad
 9 and unduly burdensome. Plaintiffs object to this interrogatory on the grounds that it seeks
 10 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 11 likely to lead to the discovery of admissible evidence. Plaintiffs further object to this interrogatory
 12 because it calls for downstream information concerning sales of CRTs by Plaintiffs and such
 13 information is not relevant to the claims or defenses of any party. Plaintiffs further object to this
 14 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
 15 of experts and expert information, or requires Plaintiffs to set forth factual analyses, comparative
 16 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiffs also object to
 17 this interrogatory to the extent it calls for disclosure of information that is protected by the
 18 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
 19 discovery. Plaintiffs further object to this interrogatory on the ground that it is duplicative of other
 20 interrogatories served in this action. Finally, Plaintiffs object to this interrogatory to the extent it
 21 imposes obligations on Plaintiffs beyond the scope of the Federal Rules of Civil Procedure 26 and
 22 34 and the applicable Local Rules of the United States District Court for the Northern District of
 23 California. Subject to, and without waiving these objections, Meijer responds that it has not
 24 purchased CRTs.

25 **INTERROGATORY NO. 7:**

26 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 27 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 28 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS

1 YOU acquired or sold.

2 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
3 YOUR response.

4 **RESPONSE TO INTERROGATORY NO. 7:**

5 Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs
6 object to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad
7 and unduly burdensome. Plaintiffs object to this interrogatory on the grounds that it seeks
8 information entirely irrelevant to the issues raised and damages claimed in this case and is not
9 likely to lead to the discovery of admissible evidence. Plaintiffs further object to this interrogatory
10 because it calls for downstream information concerning sales of CRT Products by Plaintiffs and
11 such information is not relevant to the claims or defenses of any party. Plaintiffs further object to
12 this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal
13 disclosure of experts and expert information, or requires Plaintiffs to set forth factual analyses,
14 comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiffs
15 also object to this interrogatory to the extent it calls for disclosure of information that is protected
16 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
17 from discovery. Plaintiffs further object to this interrogatory on the ground that it is duplicative of
18 other interrogatories served in this action. Finally, Plaintiffs object to this interrogatory to the
19 extent it imposes obligations on Plaintiffs beyond the scope of the Federal Rules of Civil
20 Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the
21 Northern District of California. Subject to, and without waiving these objections, Meijer's
22 purchases of CRT Products from the Defendants may be derived from Meijer's production of
23 documents.

24 **INTERROGATORY NO. 8:**

25 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
26 terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT
27 PERIOD.

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RESPONSE TO INTERROGATORY NO. 8:

Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs object to this interrogatory on the grounds it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiffs object to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiffs further object to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiffs further object to this interrogatory on the ground that it is duplicative of other interrogatories served in this action.

Subject to, and without waiving, the foregoing objections, Meijer responds with respect to their acquisition of CRTs as follows: Meijer did not purchase CRTs during the Relevant Period.

INTERROGATORY NO. 9:

IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the RELEVANT PERIOD.

RESPONSE TO INTERROGATORY NO. 9:

Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs object to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiffs object to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiffs further object to this interrogatory because it calls for downstream information concerning sales of CRT Products by Plaintiffs and such information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiffs further object to this interrogatory on the ground that it is duplicative of other interrogatories served in this action.

1 Subject to, and without waiving, the foregoing objections, Meijer responds with respect to
2 their acquisition of CRT Products as follows: Tim Kause, Buyer/Merchandiser, has knowledge of
3 Meijer's negotiations of the terms and conditions for its acquisitions of CRT Products.
4 Information responsive to this interrogatory may be derived from Meijer's production of
5 documents.

6 **INTERROGATORY NO. 10:**

7 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
8 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
9 knowledge of those specifications.

10 **RESPONSE TO INTERROGATORY NO. 10:**

11 Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs
12 also object to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
13 broad and unduly burdensome. Plaintiffs object to this interrogatory on the grounds that it seeks
14 information entirely irrelevant to the issues raised and damages claimed in this case and is not
15 likely to lead to the discovery of admissible evidence. Plaintiffs further object to this interrogatory
16 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
17 without waiving, the foregoing objections, Meijer respond as follows: Meijer did not purchase
18 CRTs during the Relevant Period.

19 **INTERROGATORY NO. 11:**

20 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
21 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
22 with knowledge of those specifications.

23 **RESPONSE TO INTERROGATORY NO. 11:**

24 Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs
25 also object to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
26 broad and unduly burdensome. Plaintiffs object to this interrogatory on the grounds that it seeks
27 information entirely irrelevant to the issues raised and damages claimed in this case and is not
28 likely to lead to the discovery of admissible evidence. Plaintiffs further object to this interrogatory

1 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
 2 without waiving, the foregoing objections, Meijer responds as follows: Meijer has no specific
 3 product specifications concerning its acquisitions of CRT Products, however, the factors that it
 4 considers in making its purchase decisions are price, quality and reliable supply.

5 **INTERROGATORY NO. 12:**

6 Separately, with respect to each CRT that YOU acquired during the RELEVANT
 7 PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of
 8 the allegations in the Complaint.

9 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 10 YOUR response.

11 **RESPONSE TO INTERROGATORY NO. 12:**

12 Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs
 13 object to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
 14 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
 15 authority for the view that the wisest general policy is to defer propounding and answering
 16 contention interrogatories until near the end of the discovery period”); *In re Ebay Seller Antitrust*
 17 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
 18 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 19 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
 20 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 21 depositions until November 1, 2010). Plaintiffs further object to this interrogatory to the extent
 22 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 23 information, or requires Plaintiffs to set forth factual analyses, comparative analyses, opinions, or
 24 theories that may be the subject of expert testimony. Plaintiffs further object to this interrogatory
 25 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 26 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.
 27 Plaintiffs also object to this interrogatory to the extent it calls for disclosure of information that is
 28 protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or

immune from discovery. Finally, Plaintiffs object to this interrogatory to the extent it imposes obligations beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California.

INTERROGATORY NO. 13:

Separately, with respect to each CRT PRODUCT that YOU acquired during the RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of the allegations in the Complaint.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 13:

Plaintiffs incorporate the General Objections as though fully set forth herein. Plaintiffs object to this interrogatory as being a premature contention interrogatory. *See In re Convergent Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period”); *In re Ebay Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is undertaken.”). Discovery has just started, Defendants have not meaningfully responded to Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take depositions until November 1, 2010). Plaintiffs further object to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiffs to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiffs further object to this interrogatory on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiffs also object to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Finally, Plaintiffs object to this interrogatory to the extent it imposes

obligations beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable
Local Rules of the United States District Court for the Northern District of California.

DATED: July 8, 2010

By: /s/ Guido Saveri

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*Counsel for Meijer, Inc. and
Meijer Distribution, Inc.*

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VERIFICATION

I, Tim Kause, declare as follows:

I am a Buyer/Merchandiser for Meijer Distribution, Inc., a Plaintiff in the above-named action. I am a representative of Meijer Distribution, Inc. and Meijer, Inc. and I am authorized to act on their behalf in connection with submission of these interrogatory answers.

I have read Meijer, Inc.'s and Meijer Distribution, Inc.'s Responses To Defendant Hitachi America, Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs.

I verify that the answers provided and written above by Meijer, Inc. and Meijer Distribution, Inc. in these responses are true, accurate and correct to the best of my personal knowledge, information and belief and that of Meijer, Inc. and Meijer Distribution, Inc. derived from information available to Meijer, Inc. and Meijer Distribution, Inc.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct, on this the 8th day of July, 2010.



Tim Kause

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Interim Lead Counsel for the Direct Purchaser Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
 ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

MDL NO. 1917

This Document Relates to:
 ALL DIRECT PURCHASER ACTIONS

**PLAINTIFF NATHAN MUCHNICK,
 INC.'S RESPONSES TO DEFENDANT
 HITACHI AMERICA, LTD.'S FIRST SET
 OF INTERROGATORIES**

PROPOUNDING PARTY: HITACHI AMERICA, LTD.

RESPONDING PARTY: PLAINTIFF NATHAN MUCHNICK, INC.

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Nathan Muchnick, Inc. ("Plaintiff"), by its attorneys, objects and responds to Defendant Hitachi America, Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the "Interrogatories") as follows:

GENERAL OBJECTIONS

Each of the following objections is incorporated by reference into each of the responses herein:

1. Plaintiff and its counsel have not completed their (1) investigation of the facts

1 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
2 responses are therefore based upon information known at this time and are provided without
3 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
4 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
5 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
6 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
7 inadvertent errors or omissions have been made.

8 2. Plaintiff generally objects to the Interrogatories, including the Instructions and
9 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
10 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
11 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
12 accordance with its understanding of the obligations imposed by the Federal Rules of Civil
13 Procedure.

14 3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to
15 the extent the information sought is protected by the attorney-client privilege, the attorney work
16 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
17 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
18 privilege, attorney work-product or any other privilege, immunity or other protection that may be
19 asserted to protect any information from disclosure. Accordingly, any response or production of
20 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
21 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

22 4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient
23 particularity the information and categories of information to be provided.

24 5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce
25 documents outside its possession, custody, or control.

26 6. Plaintiff objects to the Interrogatories to the extent they are overly broad and
27 unduly burdensome.

28 7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,

1 redundant, harassing or oppressive.

2 8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw
3 legal conclusions.

4 9. Plaintiff objects to the Interrogatories to the extent the information requested is
5 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6 10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of
7 them, seek production of any information within the possession, custody, or control of any
8 Defendant, or of publicly available information such that the information is obtainable from some
9 other source that is more convenient, less burdensome or less expensive, or the production of the
10 information will impose undue burden, inconvenience, or expense upon Plaintiff.

11 11. Plaintiff objects to each and every interrogatory and also to the instructions
12 accompanying them, to the extent they seek to require Plaintiff to produce all information that
13 supports or otherwise relates to specific contentions in this litigation, on the ground that such
14 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

15 12. Plaintiff objects to the Interrogatories to the extent that they seek information
16 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
17 such downstream data, because such information is not relevant to the claim or defense of any
18 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
19 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
20 information other than that related to direct purchases of CRT Products from the named
21 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
22 *Illinois*, 431 U.S. 720 (1977).

23 13. Plaintiff objects to the Interrogatories to the extent that they seek information that
24 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
25 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
26 response should be construed to foreclose any such disclosure.

27 14. Plaintiff reserves the right to modify their allegations based on additional
28 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert

1 discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light
2 of further evidence and further analysis of present and subsequently acquired evidence.

3 15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff
4 reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations,
5 including evidence that Plaintiff expects to further develop through the course of discovery and
6 expert analysis.

7 16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to
8 competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent
9 proceeding in, or trial of, this or any other action for any purpose whatsoever.

10 17. No incidental or implied admissions are intended in these responses. Plaintiff's
11 response to all or any part of any Interrogatory should not be taken as an admission that: (a)
12 Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or
13 (b) Plaintiff has in its possession, custody or control documents or information responsive to that
14 interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's
15 response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver
16 by Plaintiff of all or any part of its objection(s) to that interrogatory.

17 18. Plaintiff objects to the interrogatories to the extent they are duplicative of
18 interrogatories served by other defendants in this litigation. To the extent these interrogatories
19 seek answers that are duplicative to those requested by other interrogatories that have already been
20 propounded on the direct purchaser class, or served at the same time as these interrogatories, the
21 direct purchaser plaintiffs will only answer them once.

22 19. Plaintiff objects to these interrogatories to the extent that the cumulative requests
23 by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

24 RESPONSES

25 INTERROGATORY NO. I:

26 IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR
27 responses to these interrogatories.

28

1 **RESPONSE TO INTERROGATORY NO. 1:**

2 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,
3 and without waiving, the foregoing objections, Plaintiff responds as follows: Eugene J. Muchnick,
4 sole owner of Plaintiff Nathan Muchnick, Inc. at all relevant times.

5 **INTERROGATORY NO. 2:**

6 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
7 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
8 IDENTITY of each PERSON involved in the sale and the time period and nature of each
9 PERSON's involvement.

10 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
11 YOUR response.

12 **RESPONSE TO INTERROGATORY NO. 2:**

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
15 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
16 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
17 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
18 respond to this interrogatory because it impermissibly calls for downstream information
19 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or
20 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
21 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
22 2005).

23 **INTERROGATORY NO. 3:**

24 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
25 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
26 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the
27 time period and nature of each PERSON's involvement.

28 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports

1 YOUR response.

2 **RESPONSE TO INTERROGATORY NO. 3:**

3 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 4 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 5 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 6 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 7 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 8 respond to this interrogatory because it impermissibly calls for downstream information
 9 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 10 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 11 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 12 2005).

13 **INTERROGATORY NO. 4:**

14 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that
 15 were a part of the sale, including without limitation all terms and conditions RELATING TO
 16 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection
 17 with the sale.

18 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 19 YOUR response.

20 **RESPONSE TO INTERROGATORY NO. 4:**

21 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 22 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 23 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 24 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 25 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 26 respond to this interrogatory because it impermissibly calls for downstream information
 27 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 28 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.

1 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 2 2005).

3 **INTERROGATORY NO. 5:**

4 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
 5 conditions that were a part of the sale, including without limitation all terms and conditions
 6 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
 7 PERSON in connection with the sale.

8 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 9 YOUR response.

10 **RESPONSE TO INTERROGATORY NO. 5:**

11 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 12 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 13 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 14 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 15 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 16 respond to this interrogatory because it impermissibly calls for downstream information
 17 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 18 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 19 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 20 2005).

21 **INTERROGATORY NO. 6:**

22 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 23 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 24 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
 25 or sold.

26 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 27 YOUR response.

28

1 **RESPONSE TO INTERROGATORY NO. 6:**

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
 9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
 10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
 11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
 12 this interrogatory to the extent it calls for disclosure of information that is protected by the
 13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
 14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
 15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
 16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
 17 34 and the applicable Local Rules of the United States District Court for the Northern District of
 18 California. Subject to, and without waiving these objections, Plaintiff responds that it purchased
 19 CRT Products; *see* response to Interrogatory No. 7 below.

20 **INTERROGATORY NO. 7:**

21 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 22 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 23 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS
 24 YOU acquired or sold.

25 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 26 YOUR response.

27 **RESPONSE TO INTERROGATORY NO. 7:**

28 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff

1 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
2 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
3 information entirely irrelevant to the issues raised and damages claimed in this case and is not
4 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
5 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
6 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
7 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
8 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
9 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
10 this interrogatory to the extent it calls for disclosure of information that is protected by the
11 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
12 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
13 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
14 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
15 34 and the applicable Local Rules of the United States District Court for the Northern District of
16 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT
17 Products from the defendants may be derived from its production of documents at Bates range NM
18 00001-1322.

19 **INTERROGATORY NO. 8:**

20 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
21 terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT
22 PERIOD.

23 **RESPONSE TO INTERROGATORY NO. 8:**

24 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
25 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
26 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
27 information entirely irrelevant to the issues raised and damages claimed in this case and is not
28 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory

1 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 2 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 3 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 4 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 5 the ground that it is duplicative of other interrogatories served in this action.

6 Subject to, and without waiving, the foregoing objections, Plaintiff Nathan Muchnick, Inc.
 7 responds that it purchased CRT Products; *see* response to Interrogatory No. 9 below.

8 **INTERROGATORY NO. 9:**

9 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
 10 terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the
 11 RELEVANT PERIOD.

12 **RESPONSE TO INTERROGATORY NO. 9:**

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 15 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 16 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 17 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 18 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 19 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 20 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 21 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 22 the ground that it is duplicative of other interrogatories served in this action.

23 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
 24 to its acquisition of CRT Products from defendants as follows: There were no negotiations over
 25 price or trade terms, but rather pricing was as set forth on the seller's price lists, subject to any
 26 standard allowances.

27 **INTERROGATORY NO. 10:**

28 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of

1 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
2 knowledge of those specifications.

3 **RESPONSE TO INTERROGATORY NO. 10:**

4 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
5 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
6 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
7 information entirely irrelevant to the issues raised and damages claimed in this case and is not
8 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
9 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
10 without waiving, the foregoing objections, Plaintiff responds as follows: Plaintiff purchased CRT
11 Products; *see* response to Interrogatory No. 11 below.

12 **INTERROGATORY NO. 11:**

13 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
14 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
15 with knowledge of those specifications.

16 **RESPONSE TO INTERROGATORY NO. 11:**

17 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
18 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
19 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
20 information entirely irrelevant to the issues raised and damages claimed in this case and is not
21 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
22 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
23 without waiving, the foregoing objections, Plaintiff responds as follows: There were no product
24 "specifications" other than that purchases of CRT Products were made on a basis of what Plaintiff
25 expected people to buy. The person most knowledgeable about Plaintiff's CRT Product
26 purchasing practices during the relevant period is Eugene J. Muchnick. In addition, the answer to
27 this interrogatory may be derived from Plaintiff's production of documents at Bates range NM
28 00001-1322.

INTERROGATORY NO. 12:

Separately, with respect to each CRT that YOU acquired during the RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of the allegations in the Complaint.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is undertaken.”). Discovery has just started, Defendants have not meaningfully responded to Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California.

1 **INTERROGATORY NO. 13:**

2 Separately, with respect to each CRT PRODUCT that YOU acquired during the
 3 RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were
 4 overcharged as a result of the allegations in the Complaint.

5 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 6 YOUR response.

7 **RESPONSE TO INTERROGATORY NO. 13:**

8 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 9 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
 10 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
 11 authority for the view that the wisest general policy is to defer propounding and answering
 12 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
 13 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
 14 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 15 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
 16 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 17 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 18 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 19 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 20 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 21 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 22 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 23 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
 24 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
 25 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
 26 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
 27 Rules of the United States District Court for the Northern District of California.

28

1 DATED: July 7, 2010

By: /s/ Guido Saveri
SAVERI & SAVERI, INC.
706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813

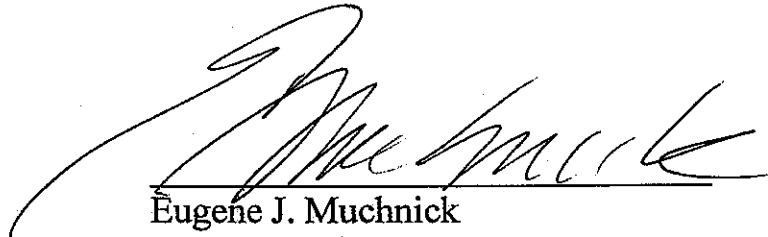
*Interim Lead Counsel for the Direct
Purchaser Plaintiffs*

21 kal531643

VERIFICATION

I, Eugene J. Muchnick, at all relevant times have been the sole owner of Plaintiff Nathan Muchnick, Inc. I do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Nathan Muchnick, Inc.'s Responses to Defendant Hitachi America, Ltd.'s First Set of Interrogatories are true and correct to the best of my knowledge.

Executed this 7th day of July, 2010 in West Conshohocken, Pennsylvania.



Eugene J. Muchnick

kal531645

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*Interim Lead Counsel for the Direct Purchaser
Plaintiffs*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

MDL NO. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**PLAINTIFF ORION HOME SYSTEMS,
LLC'S RESPONSES TO DEFENDANT
HITACHI AMERICA, LTD.'S FIRST SET
OF INTERROGATORIES**

PROPOUNDING PARTY: HITACHI AMERICA, LTD.

RESPONDING PARTY: PLAINTIFF ORION HOME SYSTEMS, LLC

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Orion Home Systems, LLC ("Plaintiff"), by its attorneys, objects and responds to Defendant Hitachi America, Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs (the "Interrogatories") as follows:

GENERAL OBJECTIONS

Each of the following objections is incorporated by reference into each of the responses herein:

1. Plaintiff and its counsel have not completed their (1) investigation of the facts

1 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
2 responses are therefore based upon information known at this time and are provided without
3 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
4 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
5 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
6 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
7 inadvertent errors or omissions have been made.

8 2. Plaintiff generally objects to the Interrogatories, including the Instructions and
9 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
10 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
11 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
12 accordance with its understanding of the obligations imposed by the Federal Rules of Civil
13 Procedure.

14 3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to
15 the extent the information sought is protected by the attorney-client privilege, the attorney work
16 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
17 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
18 privilege, attorney work-product or any other privilege, immunity or other protection that may be
19 asserted to protect any information from disclosure. Accordingly, any response or production of
20 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
21 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

22 4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient
23 particularity the information and categories of information to be provided.

24 5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce
25 documents outside its possession, custody, or control.

26 6. Plaintiff objects to the Interrogatories to the extent they are overly broad and
27 unduly burdensome.

28 7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,

1 redundant, harassing or oppressive.

2 8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw
3 legal conclusions.

4 9. Plaintiff objects to the Interrogatories to the extent the information requested is
5 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

6 10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of
7 them, seek production of any information within the possession, custody, or control of any
8 Defendant, or of publicly available information such that the information is obtainable from some
9 other source that is more convenient, less burdensome or less expensive, or the production of the
10 information will impose undue burden, inconvenience, or expense upon Plaintiff.

11 11. Plaintiff objects to each and every interrogatory and also to the instructions
12 accompanying them, to the extent they seek to require Plaintiff to produce all information that
13 supports or otherwise relates to specific contentions in this litigation, on the ground that such
14 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

15 12. Plaintiff objects to the Interrogatories to the extent that they seek information
16 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
17 such downstream data, because such information is not relevant to the claim or defense of any
18 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
19 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
20 information other than that related to direct purchases of CRT Products from the named
21 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
22 *Illinois*, 431 U.S. 720 (1977).

23 13. Plaintiff objects to the Interrogatories to the extent that they seek information that
24 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
25 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
26 response should be construed to foreclose any such disclosure.

27 14. Plaintiff reserves the right to modify their allegations based on additional
28 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert

discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light of further evidence and further analysis of present and subsequently acquired evidence.

15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations, including evidence that Plaintiff expects to further develop through the course of discovery and expert analysis.

16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent proceeding in, or trial of, this or any other action for any purpose whatsoever.

17. No incidental or implied admissions are intended in these responses. Plaintiff's response to all or any part of any Interrogatory should not be taken as an admission that: (a) Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or (b) Plaintiff has in its possession, custody or control documents or information responsive to that interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver by Plaintiff of all or any part of its objection(s) to that interrogatory.

18. Plaintiff objects to the interrogatories to the extent they are duplicative of interrogatories served by other defendants in this litigation. To the extent these interrogatories seek answers that are duplicative to those requested by other interrogatories that have already been propounded on the direct purchaser class, or served at the same time as these interrogatories, the direct purchaser plaintiffs will only answer them once.

19. Plaintiff objects to these interrogatories to the extent that the cumulative requests by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

RESPONSES

INTERROGATORY NO. I:

IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR responses to these interrogatories.

1 **RESPONSE TO INTERROGATORY NO. 1:**

2 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,
3 and without waiving, the foregoing objections, Plaintiff responds as follows: Keith Stanze and
4 counsel for Plaintiffs.

5 **INTERROGATORY NO. 2:**

6 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
7 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
8 IDENTITY of each PERSON involved in the sale and the time period and nature of each
9 PERSON's involvement.

10 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
11 YOUR response.

12 **RESPONSE TO INTERROGATORY NO. 2:**

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
15 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
16 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
17 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
18 respond to this interrogatory because it impermissibly calls for downstream information
19 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or
20 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
21 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
22 2005).

23 **INTERROGATORY NO. 3:**

24 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
25 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
26 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the
27 time period and nature of each PERSON's involvement.

28 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports

1 YOUR response.

2 **RESPONSE TO INTERROGATORY NO. 3:**

3 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 4 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 5 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 6 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 7 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 8 respond to this interrogatory because it impermissibly calls for downstream information
 9 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 10 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 11 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 12 2005).

13 **INTERROGATORY NO. 4:**

14 For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that
 15 were a part of the sale, including without limitation all terms and conditions RELATING TO
 16 pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection
 17 with the sale.

18 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 19 YOUR response.

20 **RESPONSE TO INTERROGATORY NO. 4:**

21 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 22 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 23 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 24 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 25 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 26 respond to this interrogatory because it impermissibly calls for downstream information
 27 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 28 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.

1 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 2 2005).

3 **INTERROGATORY NO. 5:**

4 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
 5 conditions that were a part of the sale, including without limitation all terms and conditions
 6 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
 7 PERSON in connection with the sale.

8 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 9 YOUR response.

10 **RESPONSE TO INTERROGATORY NO. 5:**

11 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 12 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 13 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 14 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 15 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 16 respond to this interrogatory because it impermissibly calls for downstream information
 17 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 18 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 19 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 20 2005).

21 **INTERROGATORY NO. 6:**

22 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 23 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 24 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
 25 or sold.

26 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 27 YOUR response.

28

1 RESPONSE TO INTERROGATORY NO. 6:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
12 this interrogatory to the extent it calls for disclosure of information that is protected by the
13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
17 34 and the applicable Local Rules of the United States District Court for the Northern District of
18 California. Subject to, and without waiving these objections, Plaintiff responds that it did not
19 purchase CRTs (as opposed to CRT Products) during the Relevant Period.

20 INTERROGATORY NO. 7:

21 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
22 including without limitation their subsidiaries and affiliates, state for each calendar year of the
23 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS
24 YOU acquired or sold.

25 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
26 YOUR response.

27 RESPONSE TO INTERROGATORY NO. 7:

28 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff

objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or defenses of any party. Plaintiff further objects to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT Products from the defendants may be derived from their production of documents. *See* ORION0000001.

INTERROGATORY NO. 8:

IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT PERIOD.

RESPONSE TO INTERROGATORY NO. 8:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory

1 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 2 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 3 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 4 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 5 the ground that it is duplicative of other interrogatories served in this action.

6 Subject to, and without waiving, the foregoing objections, Plaintiff responds that it did not
 7 purchase CRTs (as opposed to CRT Products) during the Relevant Period.

8 **INTERROGATORY NO. 9:**

9 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
 10 terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the
 11 RELEVANT PERIOD.

12 **RESPONSE TO INTERROGATORY NO. 9:**

13 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 14 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 15 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 16 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 17 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 18 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
 19 information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins*
 20 *Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust*
 21 *Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on
 22 the ground that it is duplicative of other interrogatories served in this action.

23 Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect
 24 to their acquisition of CRT Products from defendants as follows: Keith Stanze.

25 **INTERROGATORY NO. 10:**

26 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
 27 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
 28 knowledge of those specifications.

1 RESPONSE TO INTERROGATORY NO. 10:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
 3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 7 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
 8 without waiving, the foregoing objections, Plaintiff responds that it did not purchase CRTs (as
 9 opposed to CRT Products) during the Relevant Period.

10 INTERROGATORY NO. 11:

11 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
 12 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
 13 with knowledge of those specifications.

14 RESPONSE TO INTERROGATORY NO. 11:

15 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
 16 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 17 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 18 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 19 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 20 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
 21 without waiving, the foregoing objections, Plaintiff responds as follows: price, performance, and
 22 availability. In addition, the answer to this interrogatory may be derived from Plaintiff's
 23 production of documents. *See* ORION0000001.

24 INTERROGATORY NO. 12:

25 Separately, with respect to each CRT that YOU acquired during the RELEVANT
 26 PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of
 27 the allegations in the Complaint.

28 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports

1 YOUR response.

2 **RESPONSE TO INTERROGATORY NO. 12:**

3 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 4 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
 5 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
 6 authority for the view that the wisest general policy is to defer propounding and answering
 7 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
 8 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
 9 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 10 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
 11 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 12 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 13 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 14 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 15 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 16 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 17 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 18 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
 19 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
 20 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
 21 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
 22 Rules of the United States District Court for the Northern District of California.

23 **INTERROGATORY NO. 13:**

24 Separately, with respect to each CRT PRODUCT that YOU acquired during the
 25 RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were
 26 overcharged as a result of the allegations in the Complaint.

27 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 28 YOUR response.

1 RESPONSE TO INTERROGATORY NO. 13:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
3 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
4 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
5 authority for the view that the wisest general policy is to defer propounding and answering
6 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
7 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
8 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
9 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
10 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
11 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
12 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
13 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
14 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
15 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
16 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
17 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
18 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
19 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
20 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
21 Rules of the United States District Court for the Northern District of California.

22

23 DATED: July 9, 2010

By: /s/ Guido Saveri
SAVERI & SAVERI, INC.
706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813

26

27

*Interim Lead Counsel for the Direct
Purchaser Plaintiffs*

28 Cr.271a-7

VERIFICATION

I, Keith Stanze, am President of Orion Home Systems, LLC. I do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Orion Home Systems LLC's Responses and Objections to Defendant Hitachi America, LTD's First Set of Interrogatories are true and correct to the best of my knowledge.

Executed on July 9, 2010.

A handwritten signature in black ink, appearing to read "Keith Stanze", is written over a horizontal line.

Signature

Guido Saveri (22349) guido@saveri.com
R. Alexander Saveri (173102) rick@saveri.com
Geoffrey C. Rushing (126910) grushing@saveri.com
Cadio Zirpoli (179108) cadio@saveri.com
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706 Sansome Street
San Francisco, CA 94111
Telephone: (415) 217-6810
Facsimile: (415) 217-6813

*Interim Lead Counsel for the Direct Purchaser
Plaintiffs*

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

IN RE: CATHODE RAY TUBE (CRT)
ANTITRUST LITIGATION

MASTER FILE NO. 07-cv-5944 SC

MDL NO. 1917

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

**PLAINTIFF PAULA CALL D/B/A
POWAY-RANCHO BERNARDO TV'S
RESPONSES TO DEFENDANT HITACHI
AMERICA, LTD.'S FIRST SET OF
INTERROGATORIES**

PROPOUNDING PARTY: HITACHI AMERICA, LTD.

RESPONDING PARTY: PLAINTIFF PAULA CALL D/B/A POWAY-RANCHO
BERNARDO TV

SET NO.: ONE

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Paula Call
d/b/a Poway-Rancho Bernardo TV ("Plaintiff"), by its attorneys, objects and responds to
Defendant Hitachi America, Ltd.'s First Set of Interrogatories to the Direct Purchaser Plaintiffs
(the "Interrogatories") as follows:

GENERAL OBJECTIONS

Each of the following objections is incorporated by reference into each of the responses
herein:

1 1. Plaintiff and its counsel have not completed their (1) investigation of the facts
2 relating to this case, (2) discovery in this action, or (3) preparation for trial. The following
3 responses are therefore based upon information known at this time and are provided without
4 prejudice to Plaintiff's right to supplement these responses prior to trial or to produce evidence
5 based on subsequently discovered information. Likewise, Plaintiff's responses are based upon,
6 and therefore limited by, Plaintiff's present knowledge and recollection, and consequently,
7 Plaintiff reserves the right to make any changes in these responses if it appears at any time that
8 inadvertent errors or omissions have been made.

9 2. Plaintiff generally objects to the Interrogatories, including the Instructions and
10 Definitions, to the extent they purport to enlarge, expand or alter in any way the plain meaning and
11 scope of any interrogatory or to impose any obligations on Plaintiff's responses in excess of those
12 required by the Federal Rules of Civil Procedure. Plaintiff will respond to these Interrogatories in
13 accordance with its understanding of the obligations imposed by the Federal Rules of Civil
14 Procedure.

15 3. Plaintiff objects to the Interrogatories, including the Instructions and Definitions, to
16 the extent the information sought is protected by the attorney-client privilege, the attorney work
17 product doctrine, or is otherwise privileged and/or immune from discovery. By responding to
18 these Interrogatories, Plaintiff does not waive, intentionally or otherwise, any attorney-client
19 privilege, attorney work-product or any other privilege, immunity or other protection that may be
20 asserted to protect any information from disclosure. Accordingly, any response or production of
21 documents or disclosure of information inconsistent with the foregoing is wholly inadvertent and
22 shall not constitute a waiver of any such privilege, immunity or other applicable protection.

23 4. Plaintiff objects to the Interrogatories to the extent they fail to state with sufficient
24 particularity the information and categories of information to be provided.

25 5. Plaintiff objects to the Interrogatories to the extent they request Plaintiff to produce
26 documents outside its possession, custody, or control.

27 6. Plaintiff objects to the Interrogatories to the extent they are overly broad and
28 unduly burdensome.

1 7. Plaintiff objects to the Interrogatories to the extent they are vague, ambiguous,
2 redundant, harassing or oppressive.

3 8. Plaintiff objects to the Interrogatories to the extent they require Plaintiff to draw
4 legal conclusions.

5 9. Plaintiff objects to the Interrogatories to the extent the information requested is
6 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

7 10. Plaintiff objects to the Interrogatories to the extent that they, or any portion of
8 them, seek production of any information within the possession, custody, or control of any
9 Defendant, or of publicly available information such that the information is obtainable from some
10 other source that is more convenient, less burdensome or less expensive, or the production of the
11 information will impose undue burden, inconvenience, or expense upon Plaintiff.

12 11. Plaintiff objects to each and every interrogatory and also to the instructions
13 accompanying them, to the extent they seek to require Plaintiff to produce all information that
14 supports or otherwise relates to specific contentions in this litigation, on the ground that such
15 contention interrogatories are unduly burdensome and premature at this stage of the litigation.

16 12. Plaintiff objects to the Interrogatories to the extent that they seek information
17 relating to the sales or use of CRT(s) and/or CRT PRODUCT(s) acquired by Plaintiff, or other
18 such downstream data, because such information is not relevant to the claim or defense of any
19 party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure*
20 *Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Additionally,
21 information other than that related to direct purchases of CRT Products from the named
22 defendants in this action has been barred by the United States Supreme Court, *Illinois Brick Co. v.*
23 *Illinois*, 431 U.S. 720 (1977).

24 13. Plaintiff objects to the Interrogatories to the extent that they seek information that
25 requires expert opinion. Plaintiff is entitled to provide additional evidence that is responsive to
26 one or more of the interrogatories in the form of expert reports at the appropriate time, and no
27 response should be construed to foreclose any such disclosure.

28 14. Plaintiff reserves the right to modify their allegations based on additional

1 discovery, additional analysis of existing discovery, discovery not yet completed and/or expert
 2 discovery, and Plaintiff reserves the right to supplement and/or delete the responses given in light
 3 of further evidence and further analysis of present and subsequently acquired evidence.

4 15. In addition, in accordance with the Federal Rules of Civil Procedure, Plaintiff
 5 reserves the right to introduce evidence not yet identified herein supporting Plaintiff's allegations,
 6 including evidence that Plaintiff expects to further develop through the course of discovery and
 7 expert analysis.

8 16. In providing responses to the Interrogatories, Plaintiff reserves all objections as to
 9 competency, relevance, materiality, privilege, or admissibility as evidence in any subsequent
 10 proceeding in, or trial of, this or any other action for any purpose whatsoever.

11 17. No incidental or implied admissions are intended in these responses. Plaintiff's
 12 response to all or any part of any Interrogatory should not be taken as an admission that: (a)
 13 Plaintiff accepts or admits the existence of any fact(s) set forth or assumed by the Interrogatory; or
 14 (b) Plaintiff has in its possession, custody or control documents or information responsive to that
 15 interrogatory; or (c) documents or information responsive to that interrogatory exist. Plaintiff's
 16 response to all or any part of an Interrogatory also is not intended to be, and shall not be, a waiver
 17 by Plaintiff of all or any part of its objection(s) to that interrogatory.

18 18. Plaintiff objects to the interrogatories to the extent they are duplicative of
 19 interrogatories served by other defendants in this litigation. To the extent these interrogatories
 20 seek answers that are duplicative to those requested by other interrogatories that have already been
 21 propounded on the direct purchaser class, or served at the same time as these interrogatories, the
 22 direct purchaser plaintiffs will only answer them once.

23 19. Plaintiff objects to these interrogatories to the extent that the cumulative requests
 24 by all defendants in this litigation exceed the permissible number set forth in the Federal Rules.

25 RESPONSES

26 INTERROGATORY NO. I:

27 IDENTIFY all PERSONS who participated or assisted in the preparation of YOUR
 28 responses to these interrogatories.

1 RESPONSE TO INTERROGATORY NO. 1:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Subject to,
 3 and without waiving, the foregoing objections, Plaintiff responds as follows: Paula Call and
 4 Plaintiff's attorneys, Murray, Frank & Sailer LLP, participated or assisted in the preparation of
 5 these responses to these interrogatories.

6 INTERROGATORY NO. 2:

7 Separately identify each CRT that YOU sold during the RELEVANT PERIOD, including
 8 without limitation the date and place of sale, the type and manufacturer of each CRT sold, and the
 9 IDENTITY of each PERSON involved in the sale and the time period and nature of each
 10 PERSON's involvement.

11 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 12 YOUR response.

13 RESPONSE TO INTERROGATORY NO. 2:

14 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 15 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 16 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 17 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 18 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 19 respond to this interrogatory because it impermissibly calls for downstream information
 20 concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or
 21 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 22 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 23 2005).

24 INTERROGATORY NO. 3:

25 Separately identify each CRT PRODUCT that YOU sold during the RELEVANT
 26 PERIOD, including without limitation the date and place of sale, the type and manufacturer of
 27 each CRT PRODUCT sold, and the IDENTITY of each PERSON involved in the sale and the
 28 time period and nature of each PERSON's involvement.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 3:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not respond to this interrogatory because it impermissibly calls for downstream information concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005).

INTERROGATORY NO. 4:

For each sale of a CRT identified in Interrogatory No. 2, state all terms and conditions that were a part of the sale, including without limitation all terms and conditions RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any PERSON in connection with the sale.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 4:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not respond to this interrogatory because it impermissibly calls for downstream information concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or

1 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 2 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 3 2005).

4 **INTERROGATORY NO. 5:**

5 For each sale of a CRT PRODUCT identified in Interrogatory No. 3, state all terms and
 6 conditions that were a part of the sale, including without limitation all terms and conditions
 7 RELATING TO pricing, taxes, tariffs, duties, freight charges, or any other fees paid by any
 8 PERSON in connection with the sale.

9 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 10 YOUR response.

11 **RESPONSE TO INTERROGATORY NO. 5:**

12 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 13 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 14 broad and unduly burdensome. Plaintiff further objects to this interrogatory on the ground that it
 15 seeks information entirely irrelevant to the issues raised and damages claimed in this case and is
 16 not likely to lead to the discovery of admissible evidence. Plaintiff further objects and will not
 17 respond to this interrogatory because it impermissibly calls for downstream information
 18 concerning sales of CRTs by Plaintiffs and such information is not relevant to the claims or
 19 defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C.
 20 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa.
 21 2005).

22 **INTERROGATORY NO. 6:**

23 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
 24 including without limitation their subsidiaries and affiliates, state for each calendar year of the
 25 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRTs YOU acquired
 26 or sold.

27 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
 28 YOUR response.

1 RESPONSE TO INTERROGATORY NO. 6:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
12 this interrogatory to the extent it calls for disclosure of information that is protected by the
13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
17 34 and the applicable Local Rules of the United States District Court for the Northern District of
18 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRTs from
19 the defendants may be derived from their production of documents. *See* Bates Range PC
20 0000001-19.

21 INTERROGATORY NO. 7:

22 Separately for each DEFENDANT and "co-conspirator" alleged in the COMPLAINT,
23 including without limitation their subsidiaries and affiliates, state for each calendar year of the
24 RELEVANT PERIOD the gross dollar amounts, unit volumes, and types of CRT PRODUCTS
25 YOU acquired or sold.

26 As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports
27 YOUR response.

28

1 RESPONSE TO INTERROGATORY NO. 7:

2 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
3 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
4 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
5 information entirely irrelevant to the issues raised and damages claimed in this case and is not
6 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
7 because it calls for downstream information concerning sales of CRTs by Plaintiff and such
8 information is not relevant to the claims or defenses of any party. Plaintiff further objects to this
9 interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure
10 of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative
11 analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff also objects to
12 this interrogatory to the extent it calls for disclosure of information that is protected by the
13 attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from
14 discovery. Plaintiff further objects to this interrogatory on the ground that it is duplicative of other
15 interrogatories served in this action. Finally, Plaintiff objects to this interrogatory to the extent it
16 imposes obligations on Plaintiff beyond the scope of the Federal Rules of Civil Procedure 26 and
17 34 and the applicable Local Rules of the United States District Court for the Northern District of
18 California. Subject to, and without waiving these objections, Plaintiff's purchases of CRT
19 Products from the defendants may be derived from their production of documents. *See* Bates
20 Range PC 0000001-19.

21 INTERROGATORY NO. 8:

22 IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the
23 terms and conditions for each of YOUR acquisitions or sales of CRTs during the RELEVANT
24 PERIOD.

25 RESPONSE TO INTERROGATORY NO. 8:

26 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
27 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
28 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks

information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action.

Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect to their acquisition of CRTs from defendants as follows: Paula Call.

INTERROGATORY NO. 9:

IDENTIFY each PERSON with knowledge of YOUR negotiations RELATING TO the terms and conditions for each of YOUR acquisitions or sales of CRT PRODUCTS during the RELEVANT PERIOD.

RESPONSE TO INTERROGATORY NO. 9:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks information entirely irrelevant to the issues raised and damages claimed in this case and is not likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory because it calls for downstream information concerning sales of CRTs by Plaintiff and such information is not relevant to the claims or defenses of any party. *See, e.g., In re Vitamins Antitrust Litig.*, 198 F.R.D. 296, 301 (D.D.C. 2000); *In re Pressure Sensitive Labelstock Antitrust Litig.*, 226 F.R.D. 492, 497-498 (M.D. Pa. 2005). Plaintiff further objects to this interrogatory on the ground that it is duplicative of other interrogatories served in this action.

Subject to, and without waiving, the foregoing objections, Plaintiff responds with respect to their acquisition of CRT Products from defendants as follows: Paula Call.

INTERROGATORY NO. 10:

IDENTIFY YOUR product specifications for each acquisition or potential acquisition of

1 CRTs during the RELEVANT PERIOD, including without limitation all PERSONS with
 2 knowledge of those specifications.

3 **RESPONSE TO INTERROGATORY NO. 10:**

4 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
 5 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 6 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 7 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 8 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 9 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
 10 without waiving, the foregoing objections, Plaintiff's CRT specifications may be derived from
 11 Plaintiff's production of documents. *See* Bates Range PC 0000001-19.

12 **INTERROGATORY NO. 11:**

13 IDENTIFY YOUR product specifications for each acquisition or potential acquisition of
 14 CRT PRODUCTS during the RELEVANT PERIOD, including without limitation all PERSONS
 15 with knowledge of those specifications.

16 **RESPONSE TO INTERROGATORY NO. 11:**

17 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff also
 18 objects to this interrogatory on the grounds that it is compound, vague and ambiguous, overly
 19 broad and unduly burdensome. Plaintiff objects to this interrogatory on the grounds that it seeks
 20 information entirely irrelevant to the issues raised and damages claimed in this case and is not
 21 likely to lead to the discovery of admissible evidence. Plaintiff further objects to this interrogatory
 22 on the ground that it is duplicative of other interrogatories served in this action. Subject to, and
 23 without waiving, the foregoing objections, Plaintiff's CRT product specifications may be derived
 24 from Plaintiff's production of documents. *See* Bates Range PC 0000001-19.

25 **INTERROGATORY NO. 12:**

26 Separately, with respect to each CRT that YOU acquired during the RELEVANT
 27 PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of
 28 the allegations in the Complaint.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports YOUR response.

RESPONSE TO INTERROGATORY NO. 12:

Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent authority for the view that the wisest general policy is to defer propounding and answering contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is undertaken.”). Discovery has just started, Defendants have not meaningfully responded to Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff also objects to this interrogatory to the extent it calls for disclosure of information that is protected by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local Rules of the United States District Court for the Northern District of California.

INTERROGATORY NO. 13:

Separately, with respect to each CRT PRODUCT that YOU acquired during the RELEVANT PERIOD, state the total dollar amount by which YOU allege YOU were overcharged as a result of the allegations in the Complaint.

As part of YOUR response, IDENTIFY each DOCUMENT that YOU contend supports

1 YOUR response.

2 **RESPONSE TO INTERROGATORY NO. 13:**

3 Plaintiff incorporates the General Objections as though fully set forth herein. Plaintiff
 4 objects to this interrogatory as being a premature contention interrogatory. *See In re Convergent*
 5 *Technologies Securities Litig.*, 108 F.R.D. 328 (N.D. Cal. 1985) (“[t]here is considerable recent
 6 authority for the view that the wisest general policy is to defer propounding and answering
 7 contention interrogatories until near the end of the discovery period.”); *In re Ebay Seller Antitrust*
 8 *Litig.*, No. C07-1882 JF (RS), 2008 WL 5212170 (N.D. Cal. Dec. 11, 2008) (“Courts using their
 9 Rule 33(a)(2) discretion generally disfavor contention interrogatories asked before discovery is
 10 undertaken.”). Discovery has just started, Defendants have not meaningfully responded to
 11 Plaintiffs’ discovery, and Plaintiffs have not taken any depositions (and are not permitted to take
 12 depositions until November 1, 2010). Plaintiff further objects to this interrogatory to the extent
 13 that it impermissibly seeks the premature and non-reciprocal disclosure of experts and expert
 14 information, or requires Plaintiff to set forth factual analyses, comparative analyses, opinions, or
 15 theories that may be the subject of expert testimony. Plaintiff further objects to this interrogatory
 16 on the ground that it is vague, ambiguous, overbroad and unduly burdensome, and seeks material
 17 neither relevant nor reasonably calculated to lead to the discovery of admissible evidence. Plaintiff
 18 also objects to this interrogatory to the extent it calls for disclosure of information that is protected
 19 by the attorney-client privilege, the work product doctrine, or is otherwise privileged or immune
 20 from discovery. Finally, Plaintiff objects to this interrogatory to the extent it imposes obligations
 21 beyond the scope of the Federal Rules of Civil Procedure 26 and 34 and the applicable Local
 22 Rules of the United States District Court for the Northern District of California.

23 DATED: July 7, 2010

By: /s/ Guido Saveri
 SAVERI & SAVERI, INC.
 706 Sansome Street
 San Francisco, CA 94111
 Telephone: (415) 217-6810
 Facsimile: (415) 217-6813

*Interim Lead Counsel for the Direct
 Purchaser Plaintiffs*

27 Crt.271a-8

28

VERIFICATION

I, Paula Call, doing business as Poway-Rancho Bernardo TV, am authorized to make this verification on behalf of Poway-Rancho Bernardo TV. I do hereby state, under penalty of perjury under the laws of the United States, that the responses contained in Plaintiff Poway-Rancho Bernardo TV's Responses and Objections to Defendant Hitachi America, Ltd's First Set of Interrogatories are true and correct to the best of my knowledge.

Executed on July 7, 2010.



Paula Call